

## REMARKS

This is a supplemental Response to the final Office Action mailed on March 12, 2010. This Response supplements the previous Response filed on June 14, 2010. A Request for Continued Examination ("RCE") was previously submitted with the Response filed June 14, 2010. No fee is due in connection with this supplemental Response. The Director is authorized to any fees that may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 3712161-98 on the account statement.

Claims 1, 6, 8, 14-15 and 19-23 are pending in this application. Claims 2-5, 7, 9-13 and 16-18 were previously canceled. Claims 1, 6, 8, 14-15 and 19-23 have been amended, and Claims 24-31 have been added. The amendments do not add new matter. In view of the amendments and/or for the reasons set forth below, Applicants respectfully submit that the rejections should be withdrawn and the application now passed to allowance.

In the Office Action, Claims 1, 6, 8, 14 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,262,191 to Chakraborty et al. ("*Chakraborty*") in view of the printed publication to Fennema ("*Fennema*") and the printed publication to Hui ("*Hui*"). Claim 15 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Chakraborty*, *Fennema*, *Hui* in further view of the printed publication to Igoe ("*Igoe*"). Claims 19-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Chakraborty*, *Fennema*, *Hui* in further view of U.S. Patent No. 5,458,892 to Yotka et al. ("*Yotka*"). Applicants respectfully traverse the rejections for at least the reasons set forth below.

Applicants have amended independent Claim 1 to recite, in part, a candy having a starch matrix comprising a second starch having an amylose content of more than 90% and a DP<sub>n</sub> of less than 300. The amendment is supported in the specification, for example, at page 12, lines 8-20.

Applicants have amended independent Claim 23 to recite, in part, a candy having a starch matrix comprising a first starch comprising a modified starch having a DP<sub>n</sub> of more than 1000, wherein the modified starch is selected from the group, consisting of acetylated starches, hydroxypropylated starches, hydroxyethylated starches, phosphorylated starches, acetylated distarch phosphates, hydroxypropylated distarch phosphates, hydroxyethylated distarch

phosphates, phosphorylated distarch phosphates, acetylated distarch adipates, hydroxypropylated distarch adipates, hydroxyethylated distarch adipates, phosphorylated distarch adipates and combinations thereof. The amendments are supported in the specification, for example, at page 11, lines 7-12. The specification teaches that the corresponding starches" (i.e., acetylated starches ...) can be additionally cross linked chemically (e.g., distarch phosphate, distarch adipate).

The cited references alone or in combination fail to disclose or suggest each and every element of independent Claims 1 and 23. The cited references fail to disclose or suggest a candy having a starch matrix comprising a second starch having an amylose content of more than 90% and a DPn of less than 300 as required by independent Claim 1. The cited references fail to disclose or suggest a candy having a starch matrix comprising a first starch comprising a modified starch having a DPn of more than 1000, wherein the modified starch is selected from the group consisting of acetylated starches, hydroxypropylated starches, hydroxyethylated starches, phosphorylated starches, acetylated distarch phosphates, hydroxypropylated distarch phosphates, hydroxyethylated distarch phosphates, phosphorylated distarch phosphates, acetylated distarch adipates, hydroxypropylated distarch adipates, hydroxyethylated distarch adipates, phosphorylated distarch adipates and combinations thereof as required by independent Claim 23.

Moreover, the cited references fail to even recognize the advantages, unexpected benefits and/or properties of a candy having a starch matrix in accordance with the present claims. For at least the reasons discussed above, Applicants respectfully submit that independent Claims 1 and 23, along with the claims that depend from Claims 1 and 23, are novel, nonobvious and distinguishable from the cited references.

Accordingly, Applicants respectfully request that the rejections of the pending claims under 35 U.S.C. §103 be withdrawn.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same. In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Respectfully submitted,

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